

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

D'ANGELO MARQUEZ JENKINS,

Petitioner

v.

DAVID OSBORNE, WARDEN

Respondent.

No. 3:12-0049
Judge Haynes

Over
This answer is
constructed as a motion to
DEVELOP without prejudice
to renew after Petitioner's
caution files an
amended petition.

RESPONDENT'S ANSWER TO PETITION

I. INTRODUCTION AND PROCEDURAL HISTORY

On January 3, 2012, D'Angelo Marquez Jenkins ("Petitioner") filed a pro se petition for writ of habeas corpus. (Doc. No. 1 at 14). This Court entered an order directing the Respondent to respond to the petition, and this answer is filed in accordance therewith. (Doc. No. 8).

The Petitioner pleaded guilty to one count of facilitation of aggravated robbery and one count of being a felon in possession of a handgun. (Doc. No. 1 at 1). He did not file a direct appeal. The Petitioner filed a petition for post-conviction relief; the Montgomery County Circuit Court denied the petition, and the Tennessee Court of Criminal Appeals ("TCCA") affirmed this denial. *D'Angelo Marquez Jenkins v. State of Tennessee*, No. M2010-01083-CCA-R3-PC, 2011 Tenn. Crim. App. LEXIS 679 (Tenn. Crim. App. Aug. 30, 2011) (copy attached as Appendix A). The Petitioner did not appeal. (Doc. No. 1 at 2).

Thereafter, the Petitioner then filed a timely petition for writ of habeas corpus in this Court. In Ground One, he claims trial counsel was ineffective due to a conflict of interest, a failure to properly investigate, and a failure to use DNA evidence in the Petitioner's defense.